



STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE

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July 23, 2026

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**Subject: Modesto 2050 General Plan (Plan)
Notice of Preparation (NOP) of a Program Environmental Impact
Report (PEIR)
SCH No.: 2026061113**

Dear Michael Hren:

The California Department of Fish and Wildlife (CDFW) received a NOP of a PEIR from the City of Modesto (City) for the Plan pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Plan that may affect California fish and wildlife. Likewise, CDFW appreciates the opportunity to provide comments regarding those aspects of the Plan that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)). CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, projects approved under the Plan may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.). Likewise, to the extent implementation of the Plan as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

Water Pollution: Pursuant to Fish and Game Code Section 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into "Waters of the State" any substance or material deleterious to fish, plant life, or bird life, including non-native species. It is possible that without mitigation measures projects tiered from this Plan could result in pollution of a Waters of the State from increased sediment, salts, nitrates, and pathogens in storm water runoff; discharge of other constituents of concern such as endocrine disruptors; or construction related erosion. This could impact the fish and wildlife resources by causing increased sediment input. The Regional Water Quality Control Board and U.S. Army Corps of Engineers also has jurisdiction regarding discharge and pollution to Waters of the State.

Nesting Birds: CDFW has jurisdiction over actions with potential to result in the disturbance or destruction of active nest sites or the unauthorized take of birds. Fish and Game Code sections that protect birds, their eggs and nests include sections 3503 (regarding unlawful take, possession, or needless destruction of the nest or eggs of any bird), 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful take of any migratory nongame bird).

Fully Protected Species: CDFW has jurisdiction over fully protected species of birds, mammals, amphibians and reptiles, and fish, pursuant to Fish and Game Code sections 3511, 4700, 5050, and 5515. Fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows

- Take is for necessary scientific research,
- Efforts to recover a fully protected, endangered, or threatened species, live capture, and relocation of a bird species for the protection of livestock, or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

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Additionally, specified types of infrastructure projects may be eligible for an Incidental Take Permit (ITP) for unavoidable impacts to fully protected species if certain conditions are met (see Fish & G. Code §2081.15). Project proponents should consult with CDFW early in the project planning process if an ITP may be pursued for a project.

Unlisted Species: Species of plants and animals need not be officially listed as Endangered, Rare, or Threatened (E, R, or T) on any State or Federal list to be considered E, R, or T under CEQA. If a species can be shown to meet the criteria for E, R, or T, as specified in the CEQA Guidelines section 15380, CDFW recommends it be fully considered in the environmental analysis for the Plan.

PLAN DESCRIPTION SUMMARY

Proponent: City of Modesto

Objective: The City is updating its General Plan to guide development and growth through the year 2050. This General Plan addresses seven elements: Land Use, Transportation, Economic Development, Environmental Justice, Health and Safety, Open Space and Conservation, and Community Facilities and Services.

Location: The Plan area is located in the City of Modesto, in the San Joaquin Valley, within central Stanislaus County, approximately 75 miles east of San Francisco. The City of Ceres is located immediately south of the Modesto city limits, the City of Riverbank is located immediately northeast, and the unincorporated town of Salida is located northwest of Modesto.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Plan's significant, or potentially significant, direct, and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the PEIR prepared for this Plan.

A large portion of the Plan area includes urban development and agricultural lands. The Modesto City-County airport and an industrial building complex are in the southeast section of the Plan area. The Tuolumne River and associated riparian habitat are located adjacent to the Plan area's southern border and Dry Creek traverses east to west through the southern section of the Plan area. The Stanislaus River and associated riparian habitat are located along the Plan area's northern border, and various canals and a pedestrian pathway traverse through the middle section of the Plan area.

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Special-Status Species

Based on a review of the NOP, aerial imagery of the Plan area, and species occurrence records from the California Natural Diversity Database (CNDDDB) (CDFW 2026), CDFW recommends that special-status species identified in **Attachment 1** of this letter be considered as part of the PEIR that will be prepared for this Plan. These resources need to be evaluated and addressed as part of the PEIR and prior to any approvals that would allow vegetation- or ground-disturbing activities. CDFW also recommends that the PEIR analyze potential impacts to these species and provide measurable mitigation measures that would reduce impacts to less than significant levels as needed for projects tiered (streamlined) from this Plan.

Wetland and Riparian Habitat

The Plan area contains numerous streams, riparian, and wetland areas, including Dry Creek, the Tuolumne River, and the neighboring Stanislaus River. Future projects within the Plan area have the potential to impact these features and have the potential to result in the loss and degradation of riparian and wetland vegetation through grading, fill, runoff and related pollution, and related development.

Riparian systems and their associated floodplain and wetland areas are valuable for the ecosystem processes they carry out such as protecting water quality by filtering pollutants and transforming nutrients; stabilizing stream banks to prevent erosion and sedimentation/siltation; and dissipating flow energy during flood conditions, thereby spreading the volume of surface water, reducing peak flows downstream, and increasing the duration of low flows by slowly releasing stored water into the channel through subsurface flow. Within the San Joaquin Valley, modifications of streams to accommodate human uses has resulted in damming, canalizing, and channelizing of most streams, though some natural stream channels and small wetland or wetted areas remain (CDFW 2026). The Fish and Game Commission policy regarding wetland resources discourages development or conversion of wetlands that results in any net loss of wetland acreage or habitat value. Construction activities within these features also have the potential to impact downstream waters, such as the Stanislaus and Tuolumne Rivers, leading to erosion, scour, and changes in flow and stream morphology.

These features also provide many essential benefits to terrestrial, avian and aquatic species, including, but not limited to thermal protection, cool water refugia, cover, large woody debris, foraging areas, breeding and rearing sites, habitat and connectivity corridors, as well as buffers to sedimentation and runoff from adjacent land uses. Direct and indirect impacts into these habitat types from land uses such as urban development can adversely impact sensitive species including but not limited to the riparian brush rabbit, riparian San Joaquin Valley woodrat, Central Valley fall-run Chinook salmon-ESU, green sturgeon southern DPS, hardhead, Pacific lamprey, Sacramento hitch, riffle sculpin, Sacramento splittail, and the steelhead-Central Valley DPS. These impacts can

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lead to reduction of habitat, reduced reproductive success; reduced health and vigor; nest abandonment; loss of foraging habitat that would reduce nesting success (loss or reduced health or vigor of eggs or young); and introduction of debris and/or deleterious materials into river habitats. Narrow riparian buffers are considerably less effective in minimizing the effects of adjacent development than wider buffers (Castelle et al. 1992, Brososke et al. 1998, Kiffney et al. 2003, Moore et al. 2005). CDFW recommends that the potential direct and indirect impacts to stream/riparian and wetland habitat be analyzed within the Plan PEIR and that the PEIR include measures to avoid, minimize, and/or mitigate those impacts. CDFW also recommends the Plan consider and identify lands within and adjacent to these areas for conservation and/or open space purposes, and limit land uses such as industrial, and urban residential, to extent feasible to maintain or enhance these riparian habitats.

Nesting Birds

CDFW recommends that all projects tiered from this Plan occur during the bird non-nesting season; however, if ground-disturbing or vegetation-disturbing activities must occur during the breeding season (February 15 through September 15), each future project applicant is responsible for ensuring that implementation of their project does not result in a violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

To evaluate future project-related impacts on nesting birds, CDFW recommends that a qualified biologist conduct an assessment of nesting habitat during biological surveys in support of each project's CEQA document, and then conduct pre-activity surveys for active nests no more than 10 days prior to the start of ground or vegetation disturbance to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around each future project site to identify nests and determine their status. A sufficient area means any area potentially affected by a project. In addition to direct impacts (i.e., nest destruction), noise, vibration, and movement of workers or equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from each future project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or

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ecological reason to do so, such as when the construction areas would be concealed from a nest site by topography. CDFW recommends that a qualified biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

Special-Status Plants

CDFW recommends that the PEIR for this Plan include a measure requiring that projects tiered from this Plan located within natural habitats be surveyed by a qualified biologist for any possible special-status plants following the Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities (CDFW 2018). CDFW recommends that the plant surveys be floristic and, if necessary, utilize a known reference site for any special-status plants in order to provide a high level of confidence in the effort and results. In addition, CDFW recommends that mitigation measures for CESA listed plant species, Native Plant Protection Act (NPPA) plant species, and California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) plant species be fully addressed in the CEQA document prepared for any future project tiered from this Plan.

If a special-status plant is found, CDFW recommends that the special-status plant species be avoided whenever possible by delineating and observing a no disturbance buffer of at least 50 feet from the outer edge of the plant population(s) or specific habitat type(s) required by special-status plant species. If buffers cannot be maintained, then consultation with CDFW is warranted to determine appropriate minimization and mitigation measures for impacts to special-status plant species. If a State- or federally listed plant species is identified during botanical surveys, it is recommended that consultation with CDFW be conducted to determine permitting needs.

California Endangered Species Act

Reasonably foreseeable future projects tiered from the Plan may be subject to CDFW's regulatory authority pursuant to CESA. In the event that species listed under CESA are detected during surveys, consultation with CDFW is warranted to discuss how to implement the project and avoid take, or if avoidance is not feasible, to acquire a State ITP, pursuant to Fish and Game Code section 2081 subdivision (b), prior to any ground disturbing activities. In addition, CDFW recommends that mitigation measures for the CESA listed species be fully addressed in the CEQA document prepared for any future project tiered from the Plan.

Lake and Streambed Alteration

Reasonably foreseeable future projects tiered from this Plan may include activities subject to CDFW's regulatory authority pursuant to Fish and Game Code section 1600 et seq. Fish and Game Code section 1602 requires entities to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed,

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bank, or channel of any river, stream, or lake; or (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. "Any river, stream, or lake" includes those that are ephemeral or intermittent as well as those that are perennial in nature. For information on notification requirements, please refer to CDFW's website (<https://wildlife.ca.gov/Conservation/LSA>) or contact CDFW staff in the Central Region Lake and Streambed Alteration Program at (559) 243-4593, or R4LSA@wildlife.ca.gov.

CDFW therefore recommends that the Plan include information related to these requirements of Fish and Game code and advise that projects tiered from this Plan retain a qualified biologist to determine if project activities may require the need to notify pursuant to Fish and Game Code section 1602.

Wildlife Corridors and Habitat Connectivity

California wildlife is losing the ability to move and migrate as habitat conversion and built infrastructure disrupt species habitat and cut off migration corridors. California Senate Bill (SB) 790, Assembly Bill (AB) 2344, and AB 1889 all address wildlife connectivity in California and assert authority and responsibility to CDFW and/or local and State agencies to implement wildlife connectivity actions by identifying where they are needed, coordinate and implement those actions, and establish compensatory mitigation credits for actions taken. AB 1889 in particular requires the conservation element of general plans to consider the effect of development of wildlife connectivity. The Bill also requires that lead agencies consider incorporating appropriate standards, policies, and feasible implementation programs, consult with specified entities, and consider relevant best available science on identifying and maintaining essential linkages and corridors that are essential to maintain landscape connectivity.

The Plan's location within and adjacent to the Stanislaus and Tuolumne Rivers could impact wildlife connectivity for many wildlife species that utilize the river and adjacent habitats. Direct and indirect impacts into these habitat types can adversely impact sensitive species including, but not limited to, the species identified in Attachment 1. As such, CDFW recommends in-depth studies on wildlife connectivity and movement within the Plan area and surrounding areas in order to evaluate the extent of potential impacts from development on wildlife connectivity and to develop different development alternatives. Data collection methods should enable detection of species that have been found to utilize the existing movement corridors, including species mentioned above. The cumulative impacts of adjacent projects on wildlife corridors should also be considered.

CDFW also recommends that projects tiered from the Plan that are located adjacent or in the vicinity of Dry Creek, and the Stanislaus and Tuolumne Rivers and associated habitats, incorporate project-specific wildlife movement studies to evaluate the potential for the project to significantly impact wildlife connectivity and to guide the development of wildlife corridor mitigation measures to mitigate for connectivity impacts. For projects where wildlife corridor improvement is considered, pre-construction study results should

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be used to develop biologically feasible movement corridor improvements. Post-construction monitoring should also assess the use of wildlife movement corridors. CDFW recommends that monitoring data be analyzed, summarized, and results discussed in reports be posted for interested parties and submitted to CDFW and other agencies or organizations that have a duty or interest in the effectiveness of wildlife movement corridors.

On- or off-site compensatory mitigation should be implemented to completely offset unavoidable impacts from Plan implementation to avoid significant impacts to existing wildlife corridors and movement areas. The PEIR should include an analysis of beneficial and feasible wildlife movement corridors and/or crossings at off-site locations that could be improved or constructed to enhance wildlife connectivity.

Cumulative Impacts

Given that the PEIR will serve primarily as a planning level analysis and that future project-level CEQA documents are expected to be tiered from it, CDFW recommends that a cumulative impact analysis be conducted for all biological resources that will either be significantly or potentially significantly impacted by implementation of the Plan. Including those whose impacts are determined to be less than significant with mitigation incorporated or for those resources that are rare or in poor or declining health and will be impacted by the project, even if those impacts are relatively small (i.e., less than significant). CDFW recommends cumulative impacts be analyzed using an acceptable methodology to evaluate the impacts of past, present, and reasonably foreseeable future projects on resources and be focused specifically on the resource, not the project. An appropriate resource study area identified and utilized for this analysis is advised. CDFW staff is available for consultation in support of cumulative impacts analyses as a trustee and responsible agency under CEQA.

Alternatives Analysis

CDFW recommends that the information and results obtained from the cumulative impacts analysis conducted as part of this Plan's PEIR be used to develop and modify the Plan's alternatives to avoid and minimize impacts to biological resources to the maximum extent possible. Please note that for all future projects tiered from this Plan, that when efforts to avoid and minimize have been exhausted, remaining impacts to sensitive biological resources may need to be mitigated to reduce impacts to a less than significant level, if feasible.

California Natural Diversity Database (CNDDDB) Positive Submission of Data

Please note that the CNDDDB is populated by voluntary record submissions of species detections. As a result, species may be present in locations not depicted in the CNDDDB but where there is suitable habitat and features capable of supporting species. A lack of an occurrence record, or lack of recent occurrence records, in the CNDDDB does not

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mean that a species is not present. In order to adequately assess any potential project-related impacts to biological resources, surveys conducted by a qualified biologist/botanist during the appropriate protocol survey methodology are warranted in order to determine whether or not any special-status species are present at or near the project site.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special-status species and natural communities detected during project surveys to the CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

The Plan, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City in identifying and mitigating the Plan's impacts on biological resources. More information on survey and monitoring protocols for sensitive species can be found at CDFW's website (<https://www.wildlife.ca.gov/Conservation/Survey-Protocols>). Questions regarding this letter or further coordination should be directed to John Riedel, Environmental Scientist, at (559) 807-1453, or John.Riedel@wildlife.ca.gov.

Sincerely,

DocuSigned by:

E9964E60293D40A...

For Julie A. Vance
Regional Manager

ATTACHMENT 1- Special-status Species Table

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ec: State Clearinghouse
Land Use and Climate Innovation
state.clearinghouse@lci.ca.gov

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California Department of Fish and Wildlife. 2026. Biogeographic information and observation system (BIOS). <https://www.wildlife.ca.gov/Data/BIOS> Accessed 14 July 2026.

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Kiffney, P., J. Richardson, and J. Bull. 2003. Responses of periphyton and insects to experimental manipulation of riparian buffer width along forest streams. *Journal of Applied Ecology* 40:1060-1076.

Moore, R., D. Spittlehouse, and A. Story. 2005. Riparian microclimate and stream temperature response to forest harvesting: a review. *Journal of the American Water Resources Association* 41:813-834.

Attachment 1

Attachment 1**CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE
SPECIAL-STATUS SPECIES TABLE****PROJECT: Modesto 2050 General Plan****SCH No.: 2026061113**

Common Name	Scientific Name	Status	
		State	Federal
Riparian brush rabbit	<i>Sylvilagus bachmani riparius</i>	E	E
Colusa grass	<i>Neostapfia colusana</i>	E	T
San Joaquin Valley Orcutt grass	<i>Orcuttia inaequalis</i>	E	T
Swainson's hawk	<i>Buteo swainsoni</i>	T	-
Tricolored blackbird	<i>Agelaius tricolor</i>	T	-
California tiger salamander-central California Distinct Population Segment (DPS)	<i>Ambystoma californiense</i> pop. 1	T	T
White-tailed kite	<i>Elanus leucurus</i>	FP	-
Western burrowing owl	<i>Athene cunicularia hypugaea</i>	C	-
Crotch's bumble bee	<i>Bombus crotchii</i>	C	-
Greene's tuctoria	<i>Tuctoria greenei</i>	R	E
American badger	<i>Taxidea taxus</i>	SSC	-
San Joaquin Valley woodrat	<i>Neotoma fuscipes riparia</i>	SSC	E
Townsend's big-eared bat	<i>Corynorhinus townsendii</i>	SSC	-
Western red bat	<i>Lasiurus frantzii</i>	SSC	-
Loggerhead shrike	<i>Lanius ludovicianus</i>	SSC	-
Northern California legless lizard	<i>Anniella pulchra</i>	SSC	-
Northwestern pond turtle	<i>Actinemys marmorata</i>	SSC	PT
Western spadefoot	<i>Spea hammondi</i>	SSC	PT
Central Valley fall-run Chinook salmon- Evolutionary Significant Unit (ESU)	<i>Oncorhynchus tshawytscha</i>	SSC	-
Green sturgeon-southern Distinct Population Segment (DPS)	<i>Acipenser medirostris</i>	SSC	T
Hardhead	<i>Mylopharodon conocephalus</i>	SSC	-
Pacific lamprey	<i>Tospehnus lentatus</i>	SSC	-
Riffle sculpin	<i>Cottus gulosus</i>	SSC	-
Sacramento hitch	<i>Lavinia exilicauda exilicauda</i>	SSC	-
Sacramento splittail	<i>Pogonichthys macrolepidotus</i>	SSC	-

Steelhead-Central Valley Distinct Population Segment (DPS)	<i>Oncorhynchus mykiss irideus</i>	SSC	T
Valley elderberry longhorn beetle	<i>Desmocerus californicus dimorphus</i>	SSA	T
Vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	SSA	T
Vernal pool tadpole shrimp	<i>Lepidurus packardii</i>	SSA	E
E= Endangered, T= Threatened, C= Candidate for listing as Threatened and/or Endangered, R= Rare, SSC= Species of Special Concern, FP= Fully Protected, PT= Proposed Threatened, SSA= State Special Animal			